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OFFICE OF PETITIONS

In re Application of
Eric S. Mattis et al.
Application No. 10/658,300
Filed: September 8, 2003
Attorney Docket No: 030296

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2004, 2004, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** a final agency decision.

This application became abandoned February 4, 2004 for failure to file a timely response to the Notice to File Missing Parts mailed December 3, 2003. Accordingly, a Notice of Abandonment was mailed November 4, 2004.

Petitioner files the instant petition under 37 CFR 1.137(b)¹ however, the petition lacks item (1) above.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The Notice mailed December 3, 2003 required the filing of an oath or declaration and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121. With the instant petition, an executed oath or declaration was submitted but not the replacement drawings.

This application will remain in an abandoned status until such time as the requirements set out in the Notice to File Missing Parts have been complied with.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions